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8   **IN THE UNITED STATES DISTRICT COURT**

9   **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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11   JASON CHARLES KOPP,   No. 2:22-CV-0282-TLN-DMC-P

12   Plaintiff,

13   v.   ORDER

14   THOMAS A.,

15   Defendant.

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17   Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42

18   U.S.C. § 1983.

19   On June 6, 2023, the Court directed Plaintiff to show cause why this action should

20   not be dismissed for Plaintiff's failure to prosecute by way of default proceedings following

21   Defendant's failure to appear in the action after being served. See ECF No. 43. Plaintiff failed to

22   respond to the Court's order within the time provided therefor and, on July 24, 2023, the Court

23   recommended that this action be dismissed for lack of prosecution and failure to comply with

24   court rules and orders. See ECF No. 47. Plaintiff filed objections on August 17, 2023. See ECF

25   No. 48.

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1   In his objections, Plaintiff asserts that his claim has merit and asks the Court not to dismiss his case. While the Court does not condone Plaintiff's failure to respond to the June 6, 2023, order to show cause, in the interest of justice, the Court will provide Plaintiff an additional opportunity to comply and prosecute this action by way of default proceedings, as previously ordered and as is now ordered again. To be clear, Plaintiff is cautioned that continued failure to comply with the Court's orders will result in a recommendation that this action be dismissed. See Local Rule 110.

        Accordingly, IT IS HEREBY ORDERED as follows:

        1.   The findings and recommendations issued on July 24, 2023, ECF No. 47, are VACATED.

        2.   Plaintiff is granted an extension of time to 30 days from the date of this order to prosecute this action by way of default proceedings, commencing with a request for Clerk's Entry of Default.

Dated: **January 23, 2024**

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DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE

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